

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RICHARD LYNN DOPP,

Plaintiff,

v.

BUDDY HONAKER et al.,

Defendants.

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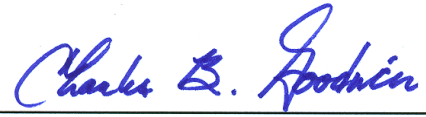
Case No. CIV-17-816-D

ORDER

On July 9, 2018, Plaintiff Richard L. Dopp, appearing pro se, filed a Notice of Voluntary Dismissal (Doc. No. 25) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Because no defendant has answered or moved for summary judgment, Plaintiff's notice operates as a dismissal of this lawsuit "without a court order." *See* Fed. R. Civ. P. 41(a)(1)(A)(i); *Janssen v. Harris*, 321 F.3d 998, 999-1001 (10th Cir. 2003) (holding that order of dismissal was a nullity because "[u]nder Rule 41(a)(1)(i) [now Rule 41(a)(1)(A)(i)], a plaintiff has an absolute right to dismiss without prejudice and no action is required on the part of the court"); *De Leon v. Marcos*, 659 F.3d 1276, 1283 (10th Cir. 2011) (explaining that the filing of a motion to dismiss does not affect a plaintiff's right to unilaterally dismiss his case under Fed. R. Civ. P. 41(a)(1)(A)(i)). The filing of a Rule 41(a)(1)(A)(i) notice "closes the file" and "the court has no role to play." *Janssen*, 321 F.3d at 1000 (internal quotation marks omitted). This action therefore is deemed dismissed without prejudice effective July 9, 2018.

IT IS SO ORDERED this 9th day of July, 2018.

A handwritten signature in blue ink, reading "Charles B. Goodwin". The signature is written in a cursive style with a large initial "C".

CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE